

# ATTACHMENT A

## To Motion For Sanctions

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**WEST COAST DISTRIBUTING, INC.,**  
**a Delaware corporation,**  
**Plaintiff,**

**-vs-**

**ANDY'S EXPRESS COMPANY, INC.,**  
**an Illinois corporation,**  
**Defendant.**

**CASE NO.: 08cv1336**  
**JUDGE KENNELLY**

**AFFIDAVIT OF COUNSEL**

William D. Brejcha, being first duly sworn and placed under oath, state as follows:

1. I am an Illinois attorney and was admitted to the Illinois bar and the U.S. District Court for the Northern District of Illinois in 1973. I am a partner with the law firm of Scopelitis, Garvin, Light, Hanson & Feary, P.C., 30 West Monroe Street, Suite 600, Chicago, Illinois 60603. I have been a partner in this firm since June 1998 when the firm's Chicago office opened. My firm and I represent West Coast in this collection proceeding.<sup>1</sup>

2. West Coast filed this collection proceeding in this Court on March 5, 2008. (See, Exhibit A.) The purpose of this action was to collect West Coast's January 28, 2008 judgment of Thirty-One Thousand Nine Hundred Fifty Dollars (\$31,950) as certified by the U.S. District Court for the Central District

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<sup>1</sup> Andy's has not secured local counsel in this matter. Prior to the May 29 Rule to Show Cause hearing, Gregg I. Minkow from the Hinshaw firm contacted the undersigned to propose that Andy's respond to the citation and rule to show cause by filing a bond to secure West Coast's position. However, after investigating this option, the undersigned called Mr. Minkow back, only to find that Andy's had not retained him in this matter. Accordingly, Andy's has chosen to remain without local counsel.

of California for Registration in another District on February 28, 2008. (See, Exhibit B) My firm's Pasadena, CA office represented West Coast in that suit. On April 2, 2008, we filed West Coast's Citation to Discover Assets, serving a copy by mail on Mr. Paul Antill of San Dimas, CA (See, Exhibit C) as Mr. Antill had previously filed a Rule 60 Motion to Vacate the California judgment on March 19, 2008. (See, Exhibit D.) We also personally served the office of Mr. William Angelo of Skokie, IL, Andy's registered agent, in Illinois, with a copy of both the Citation and the Notice on April 2, 2008 (See, Exhibit E). The Citation was returnable on April 10, 2008 before this Court.

3. On the afternoon of April 9, 2008, we received a FAX from Andy's CA attorney, Mr. Antill, requesting that we advise this Court as to the status of Andy's Rule 60(b) motion in the CA proceeding when we appeared before this Court on April 10. (See, hard copy of FAXed letter in Exhibit F) While Andy's CA counsel knew of the April 10 Citation hearing, no one from Andy's showed up in Court on April 10, 2008 and none of the financial data described in the Citation was produced then or to this date.<sup>2</sup>

4. On April 10, 2008, this Court ordered Andy's to show cause as to why it should not be held in contempt for its failure to show up for the citation hearing and set a return date of May 15, 2008. (See, Exhibit G) My office then arranged to serve Andy's with Notice of the Rule to Show Cause and the return

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<sup>2</sup> The undersigned hired a court reporter who was present to transcribe the citation examination of Andy's on April 10. No bill has yet been submitted, but any billing should be Andy's responsibility as a sanction for its failure to show up.

May 15, 2008 date by personally serving Andy's registered agent, Mr. William Angelo on April 22, 2008 (See, Exhibit H).

5. West Coast was next advised by this Court's personnel that the original return date of May 15, 2008 on the Rule to Show Cause Order was to be continued by the Court until May 29, 2008. This Court then issued an Amended Order on the Rule to Show Cause hearing with a new May 29, 2008 return date (See, Exhibit I) and West Coast once again personally served this new Rule to Show Cause Order on Andy's agent Mr. Angelo. (See, Exhibit J).

6. When the undersigned appeared for the May 29, 2008 appearance on the Rule to Show Cause, this Court continued that matter until June 21, 2008.

7. Attached hereto within Exhibit K is one check paid to a process server for One Hundred Dollars (\$100) concerning service of the May 15, 2008 Rule to Show Cause Order. West Coast will soon pay a second process server bill for One Hundred Dollars (\$100) for service of the amended rule to show cause order on Andy's Illinois registered agent. Also attached hereto within Exhibit L are bills for attorneys' fees and costs from my law firm related to the Citation and following events as highlighted total Three Thousand Eight Hundred Seventy Dollars and Zero Cents (\$3,870) in fees. The fees and service costs of Two Hundred Dollars (\$200) generated after Andy's failed to show up for the April 10, 2008 citation total Four Thousand Seventy Dollars and Zero Cents (\$4,070). If we are subsequently billed by the court reporter for her appearance and presence at Judge Kennelly's courtroom on April 10, Andy's should have responsibility for that billing too.

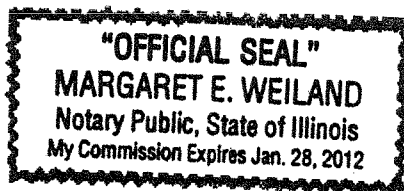
8. Total current West Coast fees and costs in connection with the Citation and Andy's failure to show up for the Citation total Four Thousand Seventy Dollars and Zero Cents (\$4,070). This amount may be supplemented with a court reporter billing for her attendance at the Citation hearing on April 10.

Respectfully submitted,

/s/ William D. Brejcha  
William D. Brejcha

Subscribed to and Sworn before  
me this 11 day of June, 2008.

Margaret E. Weiland  
Notary Public



**EXHIBIT LIST**

Exhibit A	March 5, 2008 filing of Collection Proceeding
Exhibit B	West Coast's January 28, 2008 Judgment of \$31,950
Exhibit C	April 2, 2008, West Coast's Citation to Discover Assets, served on Mr. Paul Antill of San Dimas, CA
Exhibit D	March 19, 2008 Rule 60 Motion to Vacate the California filed by Paul Antill of San Dimas, CA
Exhibit E	April 2, 2008 service on William Angelo of both the Citation and the Notice with a returnable date of April 10, 2008.
Exhibit F	April 9, 2008, FAX received from Andy's CA attorney, Mr. Antill, requesting we advise the Court as to the status of CA proceeding.
Exhibit G	April 10, 2008, Court ordered Andy's to show cause as to why it should not be held in contempt for its failure to show up for the citation hearing and set a return date of May 15, 2008.
Exhibit H	April 22, 2008 notice of the rule to show cause and return date served on Andy's registered agent, Mr. William Angelo
Exhibit I	Amended Order
Exhibit J	West Coast once again served this Amended Order on Andy's agent Mr. Angelo.
Exhibit K	Check paid to process server
Exhibit L	Bills for attorneys' fees and costs from West Coast's firm related to the Citation with

# EXHIBIT A

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**WEST COAST DISTRIBUTING, INC.,**  
a Delaware corporation,  
Plaintiff,

**-vs-**

**ANDY'S EXPRESS COMPANY, INC.,**  
an Illinois corporation,  
Defendant.

08cv1336  
Judge: Kennelly  
Mag. Judge: Mason

MAR 05 2008  
**FILED**

**NOTICE OF FILING**

TO: Andy's Express Company, Inc.  
c/o Wm. V. Angelo, Registered Agent  
5210 Old Orchard Road  
Skokie, IL 60077

MAR 05 2008 TG

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT.

Take notice that on this 5<sup>th</sup> day of March 2008, the undersigned filed the attached Certification of Judgment for Registration in Another District from the U.S. District Court for the Central District of California with the Clerk of the U.S. District Court for the Northern District of Illinois, Eastern Division, 219 South Dearborn Street, Chicago, IL 60604 for registration in that Court.

/s/ William D. Brejcha

**CERTIFICATE OF SERVICE**

I, William D. Brejcha, hereby certify that a copy of the foregoing was sent via Certified Mail, Return Receipt Requested, to the undersigned registered agent for judgment debtor Andy's Express Company, Inc., with proper postage prepaid this 5<sup>th</sup> day of March, 2008.

/s/ William D. Brejcha

William D. Brejcha (0288543)  
Scopelitis, Garvin, Light, Hanson & Feary  
30 West Monroe Street - Suite 600  
Chicago, IL 60603-2427  
Phone: 312-255-7200  
Fax: 312-422-1224  
[wdbrejcha@scopelitis.com](mailto:wdbrejcha@scopelitis.com)  
[www.scopelitis.com](http://www.scopelitis.com)



08cv1336

## CIVIL COVER SHEET

Judge: Kennelly  
Mag. Judge: Mason

The civil cover sheet and the information contained herein neither replace nor supplement law, except as provided by local rules of court. This form is required for the use of the CL INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## (a) PLAINTIFFS

WEST COAST DISTRIBUTING, INC.,  
a Delaware corporation,(b) County of Residence of First Listed Plaintiff a Delaware Corporation  
(EXCEPT IN U.S. PLAINTIFF CASES)

## (c) Attorney's (Firm Name, Address, and Telephone Number)

Scopelitis, Garvin, Light, Hanson & Feary, P.C. (William D. Brejcha)  
30 West Monroe Street - Suite 600  
Chicago, IL 60603

312-255-7200

## DEFENDANTS

ANDY'S EXPRESS COMPANY, INC.,  
an Illinois corporation

MAR 05 2008

County of Residence of First Listed Defendant Cook (Registered Office)  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

FILED

## Attorneys (If Known)

MAR 05 2008 TG

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff, PTF, and One Box for Defendant, DEF)

- Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☒ 4
- Citizen of Another State ☒ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (excl. vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Inj.	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 ADA—Employment <input type="checkbox"/> 446 ADA—Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1393(f)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>SOCIAL SECURITY</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Bank and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Security/Contestatory/Exch. <input type="checkbox"/> 873 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions

COLLECTION OF  
49 U.S.C. Sec. 14706

JUDGE: MASON

## V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

Registration of Judgment entered in the Central District of California for \$32,880.79

## VII. PREVIOUS BANKRUPTCY MATTERS (For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary)

## VIII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

## DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☒ No

## IX. This case

☒ is not a re-filing of a previously dismissed action.☐ is a re-filing of case number \_\_\_\_\_, previously dismissed by Judge \_\_\_\_\_

DATE March 5, 2008

SIGNATURE OF ATTORNEY OR RECORD

William D. Brejcha, ARPC 0288543

## EXHIBIT B

COPY

Scopelitis, Garvin, Light, Hanson & Feary, LLP  
2 North Lake Avenue, Suite 460  
Pasadena, California 91101  
(626) 795-4700

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

WEST COAST DISTRIBUTING, INC., a  
Delaware corporation

Plaintiff(s)

v.  
ANDY'S EXPRESS COMPANY, INC., an  
Illinois corporation

Defendant(s)

CASE NUMBER:

CV EDCV07-1530 SGL (OPx)

CERTIFICATION OF JUDGMENT FOR  
REGISTRATION IN ANOTHER DISTRICT

I, Sherri R. Carter, Clerk of this United States District Court certify that the attached judgment is a true and correct copy of the original judgment entered in this action on January 28, 2008 as it appears in the record of this court, and that \* (see below) Date  
no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed.

IN TESTIMONY WHEREOF, I sign my name and affix the seal of this Court on 28 FEB 2008  
Date

SHERRI R. CARTER  
CLERK, U.S. DISTRICT COURT

By: MARION DELOS

SEAL

Deputy Clerk

\* Insert the appropriate language:

"no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed."

"no notice of appeal from this judgment has been filed, any motions of the kinds listed in Rule 4(a) of the Rules of Appellate Procedure [\*] have been disposed of, the latest order disposing of such a motion having been entered on [date]."

"an appeal was taken from this judgment and this judgment was affirmed by mandate of the Court of Appeals issued on [date]."

"An appeal was taken from this judgment and the appeal was dismissed by order entered on [date]."

[NOTE: The motions listed in Rule 4(a), Fed.R.App.P., are motions: for judgment notwithstanding the verdict; to amend or make additional findings of fact; to alter or amend the judgment; for a new trial; and for an extension of time for filing a notice of appeal.]

CV-101 (08/97)

CERTIFICATION OF JUDGMENT FOR REGISTRATION IN ANOTHER DISTRICT

CCDCV101

Certification of Judgment for Registration in  
Another District

Kathleen C. Jeffries  
 Scopelitis, Garvin, Light, Hanson & Feary, LLP  
 2 North Lake Avenue, Suite 460  
 Pasadena, California 91101  
 (626) 795-4700

**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

WEST COAST DISTRIBUTING, INC., a  
 Delaware corporation

Plaintiff(s)

v.

ANDY'S EXPRESS COMPANY, INC., an  
 Illinois corporation

Defendant(s)

CASE NUMBER:

CV EDCV07-1530 SGL (OPx)

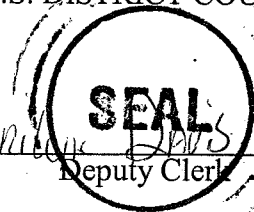
**CERTIFICATION OF JUDGMENT FOR  
 REGISTRATION IN ANOTHER DISTRICT**

I, Sherri R. Carter, Clerk of this United States District Court certify that the attached judgment is a true and correct copy of the original judgment entered in this action on January 28, 2008 as it appears in the record of this court, and that \* (see below) Date  
 no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed.

IN TESTIMONY WHEREOF, I sign my name and affix the seal of this Court on 28 FEB 2008 Date

**SHERRI R. CARTER**  
 CLERK, U.S. DISTRICT COURT

By: Marilee Davis  
 Deputy Clerk



\* Insert the appropriate language:

"no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed."

"no notice of appeal from this judgment has been filed, any motions of the kinds listed in Rule 4(a) of the Rules of Appellate Procedure [\*] have been disposed of, the latest order disposing of such a motion having been entered on [date]."

"an appeal was taken from this judgment and this judgment was affirmed by mandate of the Court of Appeals issued on [date]."

"An appeal was taken from this judgment and the appeal was dismissed by order entered on [date]."

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ATTACHMENT

Kathleen C. Jeffries (State Bar #110362)  
 SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY, LLP  
 2 North Lake Avenue, Suite 460  
 Pasadena, California 91101  
 Telephone: (626) 795-4700  
 Facsimile: (626) 795-4790  
 kjeffries@scopelitis.com

Attorneys for Plaintiff  
 WEST COAST DISTRIBUTING, INC.

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA  
 EASTERN DIVISION

WEST COAST DISTRIBUTING, INC.,	)	Case No. EDCV07-1530 SGL (OPx)
a Delaware corporation,	)	
	)	
Plaintiff,	)	DEFAULT JUDGMENT BY CLERK
	)	<del>(PROPOSED)</del>
v.	)	
	)	
ANDY'S EXPRESS COMPANY, INC.,	)	
an Illinois corporation; and DOES 1	)	
through 10, inclusive,	)	
	)	
Defendants.	)	

Defendant Andy's Express Company, Inc., having been served with summons and copy of complaint, having failed to answer complaint of plaintiff West Coast Distributing, Inc. within the time allowed by law and default of said defendant having been entered on January 22, 2008, plaintiff applies to the Clerk of the Court for judgment pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure and Local Rule 55-1:

Declaration of Kathleen C. Jeffries having been received in evidence.

///

1 The Clerk of the Court, after having considered the evidence,  
2 orders the following judgment:

3 On the complaint, plaintiff shall recover from defendant Andy's  
4 Express Company, Inc. the sum of \$32,880.79, with damages in the principal  
5 sum of \$31,950.00, \$574.00 prejudgment interest and costs as provided by  
6 law in the sum of \$356.79.

7  
8 Dated: 1/28/, 2008

A. MORRIS  
\_\_\_\_\_  
Clerk, United States District Court

# EXHIBIT C



William D. Brejcha (0288543)  
Scopelitis, Garvin, Light, Hanson & Feary  
30 West Monroe Street – Suite 600  
Chicago, IL 60603  
312-255-7200  
[wdbrejcha@scopelitis.com](mailto:wdbrejcha@scopelitis.com)  
[www.scopelitis.com](http://www.scopelitis.com)

Name of person to receive Citation: William V. Angelo, Registered Agent  
5215 Old Orchard Road – Suite 1010  
Skokie, IL 60071

NOTICE: The court has issued a Citation against the person named above. The Citation directs that person to appear in court to be examined for the purpose of allowing the judgment creditor to discover income and assets belonging to the judgment debtor or in which the judgment debtor has an interest. The Citation was issued on the basis of a judgment against the judgment debtor and in favor of the judgment creditor in the amount stated above. On or after the court date stated above, the court may compel the application of any discovered income or asserts toward payment of the judgment.

The amount of income or assets that may be applied toward the judgment is limited by federal and Illinois law. **THE JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED ABOVE.**

1. Under Illinois or federal law, the exemptions of personal property owned by the debtor include the debtor's equity interest, not to exceed \$2,000 in value, in any personal property as chosen by the debtor.
2. Social Security and SSI benefits.
3. Public assistance benefits;
4. Unemployment compensation benefits;
5. Worker's compensation benefits;
6. Veteran's benefits;
7. Circuit breaker property tax relief benefits;
8. The debtor's equity interest, not to exceed \$1,200 in value, in any one motor vehicle;
9. The debtor's equity interest, not to exceed \$750 in value, in any implements, professional books, or tools of the trade of the debtor;
10. Under Illinois law every person is entitled to an estate in homestead, when it is owned and occupied as a residence, to the extent in value of \$7,500, which homestead is exempt from judgment.
11. Under Illinois law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the federal minimum hourly wage.
12. Under federal law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 25% of disposable earnings for a week or (ii) the amount by which disposable

earnings for a week exceed 30 times the federal minimum hourly wage.

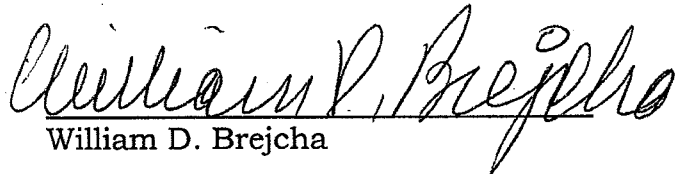
13. Pension and retirement benefits and refunds may be claimed as exempt under Illinois law.

The judgment debtor may have other possible exemptions under the law.

**THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH.** The judgment debtor also has the right to seek a declaration at an earlier date by notifying the clerk in writing at the office of the Clerk of the U.S. District Court for the Northern District of Illinois, 20<sup>th</sup> Floor, Dirksen Federal Building, 219 South Dearborn Street, Chicago, IL 60604. When so notified, the Clerk will obtain a prompt hearing date from the court. The judgment debtor or the attorney for the judgment debtor must prepare forms claiming these exemptions and send them to the judgment creditor and the judgment creditor's attorney by regular first class mail, regarding the time and location of such hearing.

**This notice may be sent to the judgment debtor by regular first class mail.**

I certify that this Citation Notice was personally served on the judgment debtor on April 2, 2008.

  
William D. Brejcha

William D. Brejcha (0288543)  
Scopelitis, Garvin, Light, Hanson & Feary  
30 West Monroe Street - Suite 600  
Chicago, IL 60603  
312-255-7200  
[wdbrejcha@scopelitis.com](mailto:wdbrejcha@scopelitis.com)  
[www.scopelitis.com](http://www.scopelitis.com)

**CERTIFICATE OF SERVICE**

I, William D. Brejcha, hereby certify that the foregoing **Citation Notice** was filed electronically this 2<sup>nd</sup> day of April, 2008. Notice of this electronic filing has been sent to:

Mr. Paul E. Antill  
Law Office of Paul E. Antill  
425 West Bonita Avenue  
Suite 207  
San Dimas, CA 91773

Kathleen Jeffries  
Scopelitis, Garvin, Light, Hanson & Feary  
2 North Lake Avenue  
Suite 460  
Pasadena, CA 91101

via United States First Class Mail, with proper postage prepaid this 2<sup>nd</sup> day of April, 2008.

/s/ William D. Brejcha  
William D. Brejcha

William D. Brejcha  
Scopelitis, Garvin, Light, Hanson & Feary  
30 West Monroe Street, Suite 600  
Chicago, IL 60603  
312-255-7200  
312-422-1224  
[wdbrejcha@scopelitis.com](mailto:wdbrejcha@scopelitis.com)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**WEST COAST DISTRIBUTING, INC.,** )  
a Delaware corporation, )  
Plaintiff, )

-vs-

**ANDY'S EXPRESS COMPANY, INC.,** )  
an Illinois corporation, )  
Defendant. )

**CASE NO.: 08cv1336  
JUDGE KENNELLY**

**CITATION TO DISCOVER ASSETS**

TO: Andy's Express Company, Inc.  
c/o William V. Angelo, Registered Agent  
5215 Old Orchard Road - Suite 1010  
Skokie, IL 60071

**YOU ARE COMMANDED** to appear before Judge Matthew Kennelly or any judge sitting in his stead in Room 2103 at the Dirksen Federal Building, 219 South Dearborn Street, Chicago, IL 60604 on April 10, 2008 at 9:30 a.m. to be examined under oath to discover asserts or income not exempt from enforcement of a judgment. A judgment in favor of West Coast Distributing, Inc. and against Andy's Express Company, Inc. (hereafter "Andy's") was entered on January 28, 2008 and certified for registration in this District by the U.S. District Court for the Central District of California on February 28, 2008 in the amount of Thirty-Two Thousand Eight Hundred Eighty Dollars and Seventy-Nine Cents (\$32,880.79). This judgment was registered in this Court on March 5, 2008 in the amount of Thirty-Two Thousand Eight Hundred Eighty Dollars and Seventy-Nine Cents (\$32,880.79) and the entire judgment of Thirty-Two

Thousand Eight Hundred Eighty Dollars and Seventy-Nine Cents (\$32,880.79) remains unsatisfied.

**YOU ARE COMMANDED** to produce at the examination:

All of Andy's corporate bank statements and check registers for the years, 2005, 2006, 2007 and 2008 to date; all of Andy's corporate tax returns for the years 2004-2006 and, to the extent completed, 2007 inclusive; Andy's general ledger including information listing or describing any and all current corporate assets; all equipment lists of tractors, trailers, and other vehicles for the years 2004, 2005, 2006, 2007, or 2008; all shipper contracts with Andy's from 2004 to date; and all books, papers or records in your possession or control which may contain information concerning the property or income or indebtedness due judgment debtor.

**YOU ARE PROHIBITED** from making or allowing any transfer or other disposition of, or interfering with, any property not exempt from execution or garnishment belonging to the judgment debtor or to which the judgment debtor may be entitled or which may be acquired by or become due to the judgment debtor and from paying over or otherwise disposing of any money not so exempt, which is due or becomes due to the judgment debtor, until further order of court or termination of the proceedings. You are not required to withhold the payment of any money beyond double the amount of the judgment.

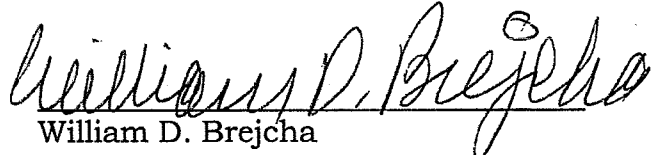
**WARNING: YOUR FAILURE TO APPEAR IN COURT AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL.**

**CERTIFICATE OF ATTORNEY (OR NON-ATTORNEY)**

NOTE: THIS CITATION MUST BE ACCOMPANIED AT THE TIME OF SERVICE BY EITHER A COPY OF THE UNDERLYING MEMORANDUM OF JUDGMENT OR A CERTIFICATION BY EITHER THE CLERK THAT ENTERED THE JUDGMENT OR THE ATTORNEY FOR THE JUDGMENT CREDITOR SETTING FORTH THE FOLLOWING:

In the U.S. District Court for the Central District of California (See Exhibit A hereto) on January 28, 2008 a judgment in the amount of Thirty-Two Thousand Eight Hundred Eighty Dollars and Seventy-Nine Cents (\$32,880.79) was entered in favor of West Coast Distributing, Inc. and against Andy's Express Company, Inc. in Case No. EDCV07-1530 SGL (OPx) and the entire judgment balance of Thirty-Two Thousand Eight Hundred Eighty Dollars and Seventy-Nine Cents (\$32,880.79) remains unsatisfied.

I, the undersigned certify to the Court, under penalties as provided by law that all information stated herein is true.

  
William D. Brejcha  
Attorney for Plaintiff

William D. Brejcha (0288543)  
Scopelitis, Garvin, Light, Hanson & Feary  
30 West Monroe Street - Suite 600  
Chicago, IL 60603  
312-255-7200  
[wdbrejcha@scopelitis.com](mailto:wdbrejcha@scopelitis.com)  
[www.scopelitis.com](http://www.scopelitis.com)



16

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

WEST COAST DISTRIBUTING, INC.,  
a Delaware corporation,  
Plaintiff,

-vs-

ANDY'S EXPRESS COMPANY, INC.,  
an Illinois corporation,  
Defendant.

08cv1336  
Judge: Kennelly  
Mag. Judge: Mason

MAR 05 2008  
FILED

NOTICE OF FILING

TO: Andy's Express Company, Inc.  
c/o Wm. V. Angelo, Registered Agent  
5210 Old Orchard Road  
Skokie, IL 60077

MAR 05 2008 TG

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT.

Take notice that on this 5<sup>th</sup> day of March 2008, the undersigned filed the attached Certification of Judgment for Registration in Another District from the U.S. District Court for the Central District of California with the Clerk of the U.S. District Court for the Northern District of Illinois, Eastern Division, 219 South Dearborn Street, Chicago, IL 60604 for registration in that Court.

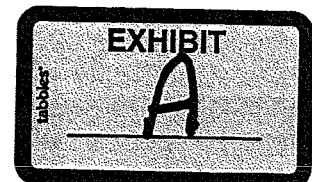
/s/ William D. Brejcha

CERTIFICATE OF SERVICE

I, William D. Brejcha, hereby certify that a copy of the foregoing was sent via Certified Mail, Return Receipt Requested, to the undersigned registered agent for judgment debtor Andy's Express Company, Inc., with proper postage prepaid this 5<sup>th</sup> day of March, 2008.

/s/ William D. Brejcha

William D. Brejcha (0288543)  
Scopelitis, Garvin, Light, Hanson & Feary  
30 West Monroe Street - Suite 600  
Chicago, IL 60603-2427  
Phone: 312-255-7200  
Fax: 312-422-1224  
[wdbrejcha@scopelitis.com](mailto:wdbrejcha@scopelitis.com)  
[www.scopelitis.com](http://www.scopelitis.com)





TG

Scopelitis, Garvin, Light, Hanson & Peary, LLP  
2 North Lake Avenue, Suite 460  
Pasadena, California 91101  
(626) 795-4700

08cv1336  
Judge: Kennelly  
Mag. Judge: Mason

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

WEST COAST DISTRIBUTING, INC., a  
Delaware corporation

CASE NUMBER:

CV EDCV07-1530 SGL (OPx)

Plaintiff(s)

ANDY'S EXPRESS COMPANY, INC., an  
Illinois corporation

CERTIFICATION OF JUDGMENT FOR  
REGISTRATION IN ANOTHER DISTRICT

Defendant(s)

I, Sherri R. Carter, Clerk of this United States District Court certify that the attached judgment is a true and correct copy of the original judgment entered in this action on January 28, 2008 as it appears in the record of this court, and that \* (see below) no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed.

IN TESTIMONY WHEREOF, I sign my name and affix the seal of this Court on 28 FEB 2008

FILED

MAR 05 2008 MAR 05 2008 TG

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT.

SHERRI R. CARTER  
CLERK, U.S. DISTRICT COURT

By: Mark D. Dyer  
Deputy Clerk

\* Insert the appropriate language:

"no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed."

"no notice of appeal from this judgment has been filed, any motions of the kinds listed in Rule 4(a) of the Rules of Appellate Procedure (\*) have been disposed of, the latest order disposing of such a motion having been entered on [date]."

"an appeal was taken from this judgment and this judgment was affirmed by mandate of the Court of Appeals issued on [date]."

"An appeal was taken from this judgment and the appeal was dismissed by order entered on [date]."

[NOTE: The motions listed in Rule 4(a), Fed.R.App.P., are motions: for judgment notwithstanding the verdict; to amend or make additional findings of fact; to alter or amend the judgment; for a new trial; and for an extension of time for filing a notice of appeal.]

ATTACHMENT

1 Kathleen C. Jeffries (State Bar #110362)  
2 SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY, LLP  
3 2 North Lake Avenue, Suite 460  
4 Pasadena, California 91101  
5 Telephone: (626) 795-4700  
6 Facsimile: (626) 795-4790  
7 kjeffries@scopelitis.com

8 Attorneys for Plaintiff  
9 WEST COAST DISTRIBUTING, INC.

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA  
12 EASTERN DIVISION

13 WEST COAST DISTRIBUTING, INC.,  
14 a Delaware corporation,

15 Plaintiff,

16 v.

17 ANDY'S EXPRESS COMPANY, INC.,  
18 an Illinois corporation; and DOES 1  
19 through 10, inclusive,

20 Defendants.

Case No. EDCV07-1530 SGL (OPx)

DEFAULT JUDGMENT BY CLERK  
(PROPOSED)

21 Defendant Andy's Express Company, Inc., having been served  
22 with summons and copy of complaint, having failed to answer complaint of  
23 plaintiff West Coast Distributing, Inc. within the time allowed by law and  
24 default of said defendant having been entered on January 22, 2008, plaintiff  
25 applies to the Clerk of the Court for judgment pursuant to Rule 55(b)(1) of the  
26 Federal Rules of Civil Procedure and Local Rule 55-1:

27 Declaration of Kathleen C. Jeffries having been received in  
28 evidence.

///

1 The Clerk of the Court, after having considered the evidence,  
2 orders the following judgment:

3 On the complaint, plaintiff shall recover from defendant Andy's  
4 Express Company, Inc. the sum of \$32,880.79, with damages in the principal  
5 sum of \$31,950.00, \$574.00 prejudgment interest and costs as provided by  
6 law in the sum of \$356.79.

7  
8 Dated: 1/28/, 2008

A. MORRIS  
Clerk, United States District Court

**CERTIFICATE OF SERVICE**

I, William D. Brejcha, hereby certify that the foregoing **Citation To Discover Assets** was filed electronically this 2<sup>nd</sup> day of April, 2008. Notice of this electronic filing has been sent to:

Mr. Paul E. Antill  
Law Office of Paul E. Antill  
425 West Bonita Avenue  
Suite 207  
San Dimas, CA 91773

Kathleen Jeffries  
Scopelitis, Garvin, Light, Hanson & Feary  
2 North Lake Avenue  
Suite 460  
Pasadena, CA 91101

via United States First Class Mail, with proper postage prepaid this 2<sup>nd</sup> day of April, 2008.

/s/ William D. Brejcha  
William D. Brejcha

William D. Brejcha  
Scopelitis, Garvin, Light, Hanson & Feary  
30 West Monroe Street, Suite 600  
Chicago, IL 60603  
312-255-7200  
312-422-1224  
wdbrejcha@scopelitis.com

# EXHIBIT D

1 Paul E. Antill, State Bar No. 231428  
2 LAW OFFICES OF PAUL E. ANTILL  
3 425 W. Bonita Ave., Suite 207  
4 San Dimas, California 91773  
5 (909) 592-1200

6 Attorney for Defendant and Cross-Complainant, ANDY'S EXPRESS COMPANY, INC.

7 UNITES STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA  
9 EASTERN DIVISION

10  
11 WEST COAST DISTRIBUTING, INC., a  
12 Delaware corporation,

13 Plaintiff,

14 vs.

15 ANDY'S EXPRESS COMPANY, INC., an  
16 Illinois corporation; and DOES 1 through  
17 10, inclusive,

18 Defendants.

19 ANDY'S EXPRESS COMPANY, INC., an  
20 Illinois corporation,

21 Counter-Claimant,

22 vs.

23 WEST COAST DISTRIBUTING, INC., a  
24 Delaware corporation; and DOES 1  
25 through 10, inclusive,

26 Counter-Defendants.

Case No.: EDCV07-1530 SGL (OPx)

NOTICE OF MOTION AND MOTION  
TO SET ASIDE DEFAULT  
JUDGMENT PURSUANT TO RULE  
60(b) F.R.C.P.; MEMORANDUM OF  
POINTS AND AUTHORITIES;  
DECLARATION OF RAY GENTRY

Date: April 21, 2008  
Time: 10:00 a.m.  
Courtroom: 1

27 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

28 PLEASE TAKE NOTICE that on April 21, 2008, at 10:00 a.m. or as soon thereafter as  
the matter can be heard in Department 1 of the above-entitled court, located at 3470 Twelfth St.,

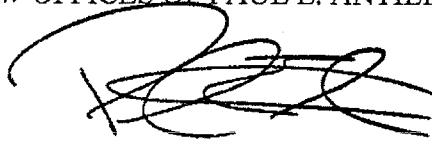
1 Riverside, CA 92501, Defendant ANDY'S EXPRESS COMPANY, INC., will move this court,  
2 pursuant to FRCP 60(b), for an order setting aside the default and default judgment entered on or  
3 about January 22, 2008. This motion is made following the conference of counsel pursuant to  
4 L.R. 7-3 which took place on January 28, 2008.

5 This motion is based on the following grounds: excusable neglect caused the delay in  
6 filing an answer to the complaint; defendant has a meritorious defense to the claims for relief  
7 alleged; and inadvertence by defendant.

8 The motion will be based on this Notice of Motion and Motion, the Memorandum of  
9 Points and Authorities filed herewith, Declarations of Ray Gentry and Paul E. Antill, and the  
10 pleadings and papers filed herein.

11  
12  
13 DATED: March 6, 2008

LAW OFFICES OF PAUL E. ANTILL



14  
15  
16  
17 PAUL E. ANTILL  
18 Attorney for Defendant  
19 Andy's Express Company, Inc.  
20  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

**1. INTRODUCTION TO CASE**

Plaintiff filed this case on November 20, 2007 seeking compensation for allegedly damaged cargo. The Summons and Complaint were mailed on or about December 6, 2007 to Defendant's designated agent of process located in Skokie, Illinois. Defendant first received the Summons and Complaint from Defendant's agent of process by mail in its Aurora, Illinois corporate office on or about December 18, 2007. Defendant promptly sought legal counsel and learned that they needed an attorney licensed to practice law in California. In early January Defendant contacted Kathy Stein located in Long Beach, California, but never reached an agreement with her for a retainer. Defendant retained the Law Offices of Paul E. Antill on or about January 14, 2008. See attached Declaration of RAY GENTRY incorporated herein by reference. On January 16, 2008, the Law Offices of Paul E. Antill sent a letter of representation to Plaintiff's counsel requesting a stipulation to set aside the default. However, Plaintiff proceeded to obtain a default judgment on January 22, 2008. See Attached Declaration of Paul E. Antill incorporated herein by reference.

**2. A CASE SHOULD BE DECIDED ON THE MERITS WHENEVER POSSIBLE**

Rule 60(b) allows a court to vacate a judgment for "(1) mistake, inadvertence, surprise, or excusable neglect ...or (6) any other reason justifying relief from the operation of the judgment." To receive relief, a moving party must "show both injury and that circumstances beyond his control prevented timely action to protect its interests," *United States v. Alpine Land & Reservoir Co.*, 984 F.2d 1047, 1049 (9th Cir. 1993). Herein Defendant is a resident of Illinois sued in California. By the time Defendant initially received the summons and complaint on December 18, 2007, a response was already overdue. Defendant searched diligently for an attorney, and once retained, Defense's counsel attempted to ascertain the proper course of action in response to the facts.

///

///

///

1 3. DEFENDANT HAS A MERITORIOUS DEFENSE AND PLAINTIFF WOULD SUFFER  
2 NO PREJUDICE.

3 Rule 60 (b) is remedial in nature and is liberally applied. *Community Dental Services v.*  
4 *Tani*, 282 F.3d 1164, 1169 (9<sup>th</sup> Cir. 2002). Also, because a default judgment is an extreme  
5 measure, a case should be decided on the merits whenever possible. See *id.* at 1170. Defendant  
6 has shown this by filing its responsive motions concurrently with this motion. Furthermore,  
7 since defendant received the summons and complaint less than three months ago, Plaintiff would  
8 suffer no prejudice.

9 4. CONCLUSION

10 Based on the foregoing facts and legal precedent, the court should grant Defendant's  
11 motion to set aside the default and allow the Defendant to answer.

12  
13 DATED: March 6, 2008

LAW OFFICES OF PAUL E. ANTILL



14  
15  
16  
17 PAUL E. ANTILL  
18 Attorney for Defendant  
19 Andy's Express Company, Inc.  
20  
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**DECLARATION OF PAUL E. ANTILL**

I, PAUL E. ANTILL, declare:

1. I am attorney duly authorized to practice law before all the courts of the State of California and the United States District Court for the Central District of California and the attorney of record for defendant, ANDY'S EXPRESS COMPANY, INC., in United States District Court case number EDCV07-1530 SGL (OPx).

2. I have personal knowledge of the facts discussed herein and if called as a witness could be competent to testify to thereto.

3. Defendant retained the Law Offices of Paul E. Antill on or about January 14, 2008.

4. On January 16, 2008, I sent a letter of representation to Plaintiff's counsel requesting a stipulation to set aside the default.

5. Instead, Plaintiff opted to obtain a default judgment on January 22, 2008.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 7, 2008, in the City of San Dimas, California.

DATED: March 7, 2008

LAW OFFICES OF PAUL E. ANTILL



---

PAUL E. ANTILL  
Attorney for Defendant  
Andy's Express Company, Inc.

**DECLARATION OF RAY GENTRY**

I, Ray Gentry, declare:

1. I am the Operations Manager for ANDY'S EXPRESS COMPANY, INC. ("ANDY'S"), Defendant in USDC Case Number EDCV07-1530 SGL (OPx), and as such have personal knowledge of the facts discussed herein and could be competent to testify about such facts if called as a witness. I submit this Declaration in support of Defendant's motion to set aside default judgment.

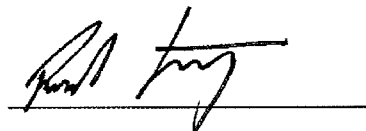
2. On or about December 18, 2007, the Summons and Complaint filed by WEST COAST DISTRIBUTING, INC., in the aforementioned case, were received in my office located in Aurora, Illinois, by regular mail from ANDY'S agent for service of process located in Skokie, Illinois, and postmarked December 17, 2007. This was the first notice that ANDY'S had been sued in this matter.

3. Over the last two weeks of December, 2007, I contacted several attorneys in Illinois only to learn that I had to retain an attorney admitted to the State Bar of California and authorized to appear in the United States District Court for the Central District of California.

4. In early January, 2008, I contacted Kathy Stein, an attorney located in Long Beach, California. Since we never reached an agreement with her concerning a retainer fee amount, she was never authorized to act on our behalf.

5. On or about January 14, 2008, I found Paul E. Antill's office in San Dimas, California, and retained Mr. Antill to represent ANDY'S in this matter.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on February \_\_, 2008, in the City of Aurora, Illinois.

  
RAY GENTRY

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am a citizen of the United States, employed in, or a resident of the County; I am over the age of 18 years and not a party to the above-entitled action; my business address is 425 W. Bonita Avenue, Suite 207, San Dimas, California 91773.

On March 19, 2008, I served the document(s) named below on the parties in this action, by placing a true copy thereof in the United States Mail.

**DOCUMENT(S) SERVED: NOTICE OF MOTION AND MOTION TO SET ASIDE  
DEFAULT JUDGMENT PURSUANT TO RULE 60(b) F.R.C.P.; MEMORANDUM OF  
POINTS AND AUTHORITIES; DECLARATION OF RAY GENTRY.**

**SERVED UPON:** Scopolitis, Garvin, Light, Hanson & Feary  
Kathleen C. Jeffries  
2 North Lake Avenue, suite 460  
Pasadena, CA 91101

☒ **(BY MAIL)** I caused each such envelope, with postage thereon fully prepared, to be placed in the United States mail at San Dimas, California. I am readily familiar with the firm's practice of collection and processing correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service on the same day that it is placed for collection.

☐ **(BY FACSIMILE)** The above-referenced document was transmitted by facsimile and the transmission was reported as completed and without error. Pursuant to C.R.C. §2009(i), I either caused, or had someone cause, the transmitting machine to properly transmit the attached documents to the facsimile numbers shown on the service list.

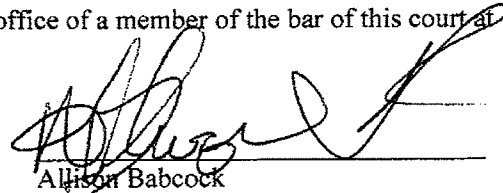
☐ **(BY FEDERAL EXPRESS)** I am readily familiar with the firm's practice for collection and processing of documents for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by Federal Express for overnight delivery.

☐ **(BY PERSONAL SERVICE)** I caused such document(s) to be delivered/personally served by courier on the date as herein stated to the addressee(s) herein stated.

☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☐ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 19, 2008, at San Dimas, California.

  
Allison Babcock

# EXHIBIT E

IN THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS

West Coast Distributing

vs. Andy's Express

Case Number 08 CV 1336

AFFIDAVIT OF SERVICE

I, Ryan Flaska, being first duly sworn on oath deposes and states that I am over the age of 18 years and not a party to this action, and on the 02 day of April, 2008, at 10:30 AM at 5215 Old Orchard Rd. #1010, Skokie, IL 60071, did serve the following document(s):

**Citation To Discover Assets, Exhibit A & Notice**

Upon: **Andy's Express Company c/o William V. Angelo, Registered Agent**

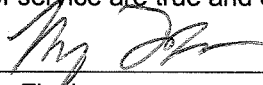
By: ☒ Personally serving to: Alyssa Ventura-Secretary, Authorized To Accept  
☐ leaving copies at the usual place of abode with:  
a member of the household 13 years or upwards and informed that person of the contents thereof  
☐ by mailing copies of said document(s) in a sealed envelope with postage fully prepaid to the defendant:  
at 5215 Old Orchard Rd. #1010, Skokie, IL 60071 on

Comments: William V. Angelo was not available, however Alyssa Ventura was authorized to accept on his behalf.

Description: Sex	<b>Female</b>	Race	<b>White</b>	Approximate Age	<b>32</b>
Height	<b>5'7</b>	Weight	<b>148</b>	Hair Color	<b>Brown</b>

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this affidavit of service are true and correct.

Further the Affiant Sayeth Naught:

  
\_\_\_\_\_  
Ryan Flaska  
United Processing, Inc.  
55 West Wacker Drive, 9th Floor  
Chicago, IL 60601  
IL License #117-001101

# EXHIBIT F



LAW OFFICES OF

**PAUL E. ANTILL**

PLAZA DEL RANCHO

TELEPHONE (909) 592-1200

425 W. BONITA AVENUE, SUITE 207

FACSIMILE (909) 592-1223

SAN DIMAS, CALIFORNIA 91773

April 9, 2008

**BY FAX AND BY MAIL (312) 422-1224**

William D. Brejcha, Esq.  
Scopelitis, Garvin, Light, Hanson & Feary, LLP  
30 West Monroe Street, Suite 600  
Chicago, IL 60603

Re: Case: West Coast Distributing, Inc. V. Andy's Express Co. Inc.

Dear Mr. Brejcha,

Please be advised that I represent defendant, Andy's Express Company, Inc., in the above-referenced pending USDC case for the Central District of California. As your firm's Pasadena, California office, specifically Kathleen C. Jeffries, is aware, the District Court has scheduled for hearing on May 12, 2008 my motion to set-aside the default entered against my client. I request that you inform the USDC of my pending motion when you appear at the hearing in Chicago on April 10, 2008.

Thank you for your cooperation.

Sincerely,



Paul E. Antill  
Attorney at Law

PA:ab

RECEIVED

APR 14 2008

SCOPELITIS, GARVIN  
LIGHT & HANSON

# EXHIBIT G

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.1.3  
Eastern Division**

West Coast Distributing, Inc.

Plaintiff,

v.

Case No.: 1:08-cv-01336

Honorable Matthew F. Kennelly

Andy's Express Company, Inc.

Defendant.

---

**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Thursday, April 10, 2008:

MINUTE entry before Judge Honorable Matthew F. Kennelly: Citation to discover assets hearing held on 4/10/2008. Andy's Express Company is ordered to show cause why it should not be held in contempt for failure to respond to citation. Return date is 5/15/2008 at 09:30 AM.(or, )

**ATTENTION:** This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at [www.ilnd.uscourts.gov](http://www.ilnd.uscourts.gov).

# EXHIBIT H

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**WEST COAST DISTRIBUTING, INC.,  
a Delaware corporation,**

**Plaintiff,**

**-vs-**

**ANDY'S EXPRESS COMPANY, INC.,  
an Illinois corporation,**

**Defendant.**

**CASE NO.: 08cv1336  
JUDGE KENNELLY**

**NOTICE OF FILING**

TO: Andy's Express Company, Inc.  
c/o Wm. V. Angelo, Reg. Agent  
5210 Old Orchard Rd. - #1010  
Skokie, IL 60077

Paul E. Antill  
Law Offices of Paul E. Antill  
425 West Bonita Ave. - Suite 207  
San Dimas, CA 91773

Take notice that on this 28<sup>th</sup> day of April 2008, the undersigned filed the Return of Service of this Court's April 10, 2008 Rule to Show Cause Order on the registered agent of debtor Andy's Express Company, Inc. which establishes the April 22, 2008 service of the April 10, 2008 Order on William V. Angelo, the defendant's Registered Agent.

\_\_\_\_\_/s/ William D. Brejcha

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Notice of Filing has been served upon all parties of record, via United States First Class Mail, with proper postage prepaid, this 28<sup>th</sup> day of April, 2008.

\_\_\_\_\_/s/ William D. Brejcha

William D. Brejcha (0288543)  
Scopelitis, Garvin, Light, Hanson & Feary  
30 West Monroe Street - Suite 600  
Chicago, IL 60603-2427  
Phone: 312-255-7200  
Fax: 312-422-1224  
[wdbrejcha@scopelitis.com](mailto:wdbrejcha@scopelitis.com)  
[www.scopelitis.com](http://www.scopelitis.com)

**CERTIFICATION**

Louis Marchigiani, on oath states:

I am over 18 years of age and not a party to this case. I served the April 10, 2008 Rule to Show Cause Order issued by U.S. District Court Judge Matthew F. Kennelly of the U.S. District Court for the Northern District of Illinois on Andy's Express Company, Inc., an Illinois corporation, by handing a copy to its registered agent William V. Angelo (or his authorized representative \_\_\_\_\_) on April 22, 2008, at the hour of 2:05 ~~a.m.~~ p.m. at Mr. Angelo's office at 5215 Old Orchard Road, Suite 1010, in Skokie, Illinois.

Louis J. Marchigiani  
Louis Marchigiani

**VERIFICATION BY CERTIFICATION**

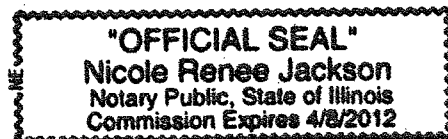
Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

State of Illinois  
County of Cook

Nicole Renee Jackson 4/23/08

This instrument was acknowledged before me  
on 22 day of April, 2008 by Louis J. Marchigiani

Nicole Renee Jackson  
Notary Public's Signature  
My Commission Expires 4/8/2012



**CERTIFICATION**

Louis Marchigiani, on oath states:

I am over 18 years of age and not a party to this case. I served the April 10, 2008 Rule to Show Cause Order issued by U.S. District Court Judge Matthew F. Kennelly of the U.S. District Court for the Northern District of Illinois on Andy's Express Company, Inc., an Illinois corporation, by handing a copy to its registered agent William V. Angelo (or his authorized representative \_\_\_\_\_) on April 22, 2008, at the hour of 2:05 ~~a.m.~~ (p.m.) at Mr. Angelo's office at 5215 Old Orchard Road, Suite 1010, in Skokie, Illinois.

Louis G. Marchigiani  
Louis Marchigiani

**VERIFICATION BY CERTIFICATION**

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

State of Illinois  
County of Cook

Nicole Renee Jackson 4/23/08

This instrument was acknowledged before me  
on 23 day of April, 2008 by Louis J. Marchigiani

Nicole Renee Jackson  
Notary Public's Signature  
My Commission Expires 4/8/2012



# EXHIBIT I



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**WEST COAST DISTRIBUTING, INC.,  
a Delaware corporation,**

**Plaintiff,**

**-vs-**

**ANDY'S EXPRESS COMPANY, INC.,  
an Illinois corporation,**

**Defendant.**

**CASE NO.: 08cv1336  
JUDGE KENNELLY**


**AMENDED RULE TO SHOW CAUSE ORDER**

This matter coming to be heard on April 10, 2008 on West Coast Distributing, Inc.'s Citation To Discover Assets and Andy's Express Company, Inc. ("Andy's"), having been duly served and notified of the April 10, 2008 hearing, not appearing on that date in response to the Citation, this Court having ordered Andy's to appear on May 15, 2008 at 9:30 and show cause as to why Andy's should not be held in contempt and this Court subsequently striking the May 15, 2008 return date and extending the return date on the Rule to Show Cause until May 29, 2008 at 9:30 a.m.;

**IT IS HEREBY ORDERED** that Andy's Express Company, Inc. must show cause as to why it should not be held in contempt of this Court for its failure to appear on April 10, 2008, the May 15, 2008 return date is stricken, and the new return date for Andy's as to the Rule to Show Cause is set for May 29, 2008 at 9:30 a.m. in Courtroom 2103 of the Dirksen Federal Building, 219 South Dearborn Street, Chicago, IL 60604.

ENTER:

DATED: 3/12/08

  
Matthew F. Kennelly  
U.S. District Court Judge

Order Prepared By:  
William D. Brejcha (0288543)  
Scopelitis, Garvin, Light, Hanson & Feary  
30 West Monroe Street - Suite 600  
Chicago, IL 60603  
312-255-7200  
[wdbrejcha@scopelitis.com](mailto:wdbrejcha@scopelitis.com)

# EXHIBIT J

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**WEST COAST DISTRIBUTING, INC.,**  
**a Delaware corporation,**  
**Plaintiff,**

**-vs-**

**ANDY'S EXPRESS COMPANY, INC.,**  
**an Illinois corporation,**  
**Defendant.**

**CASE NO.: 08cv1336**  
**JUDGE KENNELLY**

**NOTICE OF FILING**

TO: Andy's Express Company, Inc.  
c/o Wm. V. Angelo, Reg. Agent  
5210 Old Orchard Rd. - #1010  
Skokie, IL 60077

Paul E. Antill  
Law Offices of Paul E. Antill  
425 West Bonita Ave. - Suite 207  
San Dimas, CA 91773

**PLEASE TAKE NOTICE** that we have filed the Return of Service of Judge Kennelly's May 12, 2008 Order setting a Rule to Show Cause hearing for May 29, 2008 on the registered agent for Andy's Express Company, Inc. on this 28<sup>th</sup> day of May, 2008.

\_\_\_\_\_/s/ William D. Brejcha

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Return of Service has been served upon all parties of record, via United States First Class Mail, with proper postage prepaid, this 28<sup>th</sup> day of May, 2008.

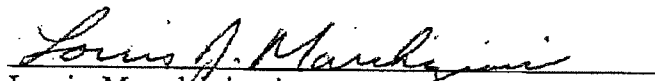
\_\_\_\_\_/s/ William D. Brejcha

William D. Brejcha (0288543)  
Scopelitis, Garvin, Light, Hanson & Feary  
30 West Monroe Street - Suite 600  
Chicago, IL 60603-2427  
Phone: 312-255-7200  
Fax: 312-422-1224  
[wdbrejcha@scopelitis.com](mailto:wdbrejcha@scopelitis.com)  
[www.scopelitis.com](http://www.scopelitis.com)

**CERTIFICATION**

Louis Marchigiani, on oath states:

I am over 21 years of age and not a party to this case. I served the May 12, 2008 Amended Rule to Show Cause Order issued by U.S. District Court Judge Matthew F. Kennelly of the U.S. District Court for the Northern District of Illinois on Andy's Express Company, Inc., an Illinois corporation, by handing a copy to its registered agent William V. Angelo (or his authorized representative \_\_\_\_\_) on May 28, 2008 at the hour of 12:00 ~~a.m.~~ (p.m.) at Mr. Angelo's office at 5215 Old Orchard Road, Suite 1010, in Skokie, Illinois.

  
Louis Marchigiani

**VERIFICATION BY CERTIFICATION**

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.





# EXHIBIT K

SCOPELITIS, GARVIN, LIGHT, HANSON &amp; FEARY P.C.

LJM Services, Inc.

96066

\$0.00

SASMIS20

04/23/2008

\$100.00

\$100.00

Services regarding William V. Angelo (#LA0079.3)

96066

SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY P.C.  
 PH: 317-637-1777  
 10 W. MARKET STREET, SUITE 1500  
 INDIANAPOLIS, IN 46204

THE NATIONAL BANK OF INDIANAPOLIS  
 20-667-740

LJM  
 96066

One hundred and NO/100

DATE

AMOUNT

06/06/2008

\$100.00

PAY  
 TO THE  
 ORDER  
 OF

LJM Services, Inc.  
 780 West Army Trail Road  
 Suite 134  
 Carol Stream, IL 60188

2 SIGNERS REQUIRED FOR CHECKS OVER \$6,500.00

⑈096066⑈ ⑆074006674⑆

1229186⑈

SCOPELITIS, GARVIN, LIGHT, HANSON &amp; FEARY P.C.

96066

LJM Services, Inc.

96066

\$0.00

SASMIS20

04/23/2008

\$100.00

\$100.00

Services regarding William V. Angelo (#LA0079.3)

# EXHIBIT L

**Scopelitis, Garvin, Light, Hanson & Feary  
Billing Summary**

<b>Date</b>	<b>Amount</b>
04-10-2008	\$ 630.00
04-11-2008	210.00
04-14-2008	180.00
04-15-2008	90.00
04-16-2008	60.00
04-17-2008	180.00
04-22-2008	60.00
04-28-2008	150.00
05-12-2008	240.00
05-13-2008	180.00
05-15-2008	30.00
05-22-2008	60.00
05-23-2008	390.00
02-23-2008	240.00
05-28-2008	150.00
05-29-2008	60.00
05-29-2008	840.00
05-30-2008	<u>\$ 120.00</u>
<b>TOTAL</b>	<b>\$3,870.00</b>



# SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY, P.C.

## Time And Expense Details

Report ID: OT2025 - 58212  
Tuesday, June 10, 2008

Printed By KIM

Date [03/01/2008 - 06/30/2008]

Client	Client Reporting Name	Matter	Matter Reporting Name	Billing Timekeeper				
LA0079	West Coast Distributing, Inc.	00003	Andy's Express, v.	McNatt, Jr., Christopher C.				
Unbilled Time								
Date	Timekeeper	Hours Worked	Hours To Bill	Rate	Amount	Task	Activity	Narrative
5/12/2008	WDB	0.80	0.80	300.00	\$240.00			Telephone call from Judge Kennelly's clerk; draft Amended Rule to Show Cause order with new return date; telephone calls to and from Kathleen Jeffries and to attorney for Andy's; correspondence to Judge Kennelly's minute clerk and to process server.
5/13/2008	WDB	0.60	0.60	300.00	\$180.00			Receipt and review of correspondence from Andy's attorney; correspondence and telephone call to Andy's attorney; procure new order from Judge Kennelly's clerk; forward new order to Andy's attorney and to Lou Marchigiani RE service of new order; emails to K. Jeffries Re status of contempt citation.
5/15/2008	WDB	0.10	0.10	300.00	\$30.00			Telephone calls from process agent Re new return date on rule to show cause.
5/22/2008	WDB	0.20	0.20	300.00	\$60.00			Receipt of notice from the District court as to transcript being filed; telephone call from process server as to Mr. Angelo's schedule, availability.
5/23/2008	KCJ	1.30	1.30	300.00	\$390.00			Conducted legal research re defendant's procedure for staying enforcement of judgment and relevance of bond; and conferred with Bill Brejcha re analysis of bond offer
5/23/2008	WDB	0.80	0.80	300.00	\$240.00			Telephone call from process server as to Mr. Angelo; telephone calls from and to new attorney for Andy's Greg Minkow about continuing rule to show cause hearing and filing a bond to stay the judgment; confer with attorney Jeffries Re proposal to continue 5/29 appearance; research rule 62b as to stays of judgment.
5/28/2008	WDB	0.50	0.50	300.00	\$150.00			Telephone calls(2x) from process server; receipt and review of return of service; draft notice of filing and file return of service; email to Ms. Jeffries RE 5/29 court appearance.
5/29/2008	KCJ	0.20	0.20	300.00	\$60.00			Communicated with Bill Brejcha and Richelle Brown re developments in judgment enforcement steps
5/29/2008	WDB	2.80	2.80	300.00	\$840.00			Prepare for appearance before Judge Kennelly; trip to federal court; attend Judge Kennelly's 9:30 call per his order setting the rule to show cause hearing at that time; appear before Judge Kennelly; email to Ms. Jeffries to report on the proceedings before Judge Kennelly; receipt and review of order from the District Court; forward order to Ms. Jeffries; correspondence to Mr. Antill about this morning's court appearance and the citation procedures in the week of 6/16.
5/30/2008	WDB	0.40	0.40	300.00	\$120.00			Revise and forward correspondence to Mr. Antill about the 5.29 court appearance.

# SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY, P.C.

## Time And Expense Details

Report ID: OT2025 - 58212  
Tuesday, June 10, 2008

Printed By KIM

Date [03/01/2008 - 06/30/2008]

Billed Time		Date	Timekeeper	Hours Worked	Hours On Bill	Rate	Amount Task	Activity	Narrative
4/10/2008	WDB			2.10	2.10	300.00	\$630.00		Prepare for citation hearing; receipt and review of FAX correspondence from Andy's attorney Mr. Antill; trip to District Court; confer with court reporter; appear before Judge Kennelly; emails to and from Ms. Jeffries as to hearing results; correspondence to Mr. Antill.
		4/11/2008	WDB	0.70	0.70	300.00	\$210.00		Receipt and review of rule to show cause order from the District Court; email to Ms. Jeffries and to West Coast; research rules to show cause.
		4/14/2008	WDB	0.60	0.60	300.00	\$180.00		Telephone calls to and from Judge Kennelly's clerk RE original order on rule to show cause; draft Rule to Show Cause Order on Andy's; draft letter to Judge Kennelly's clerk and deliver with draft order.
		4/15/2008	WDB	0.30	0.30	300.00	\$90.00		Telephone calls to and from Judge Kennelly's minute clerk Re availability of draft order for signature and pickup on 4/16.
4/16/2008	WDB			0.20	0.20	300.00	\$60.00		Follow up with Judge Kennelly's clerk as to Rule to Show Cause Order; pickup order from the Judge's minute clerk.
		4/17/2008	WDB	0.60	0.60	300.00	\$180.00		Review order from Judge Kennelly; email and telephone call to service agent; correspondence and draft return for process server and forward material to process server. correspondence to CA counsel for Andy's and to Ms. Jeffries.
		4/22/2008	WDB	0.20	0.20	300.00	\$60.00		Telephone call from process server RE successful service of Rule to Show Cause hearing on Andy's Express.
		4/28/2008	WDB	0.50	0.50	300.00	\$150.00		Receipt of return of service on Notice for a Rule to Show Cause hearing on 5/15; draft Notice of Filing and file return of service with the federal court; telephone call from Mr. Gentry at Andy's; emails to & from Kathleen Jeffries.